

# **EXHIBIT D**

**Subject:** Re: Updated Wisconsin Deck for 6/28  
**From:** "Tanya Washburn" [REDACTED]  
**Received(Date):** Tue, 27 Jun 2023 03:38:52 +0000  
**To:** "Matt Fischer" [REDACTED], "Ling Lew" [REDACTED], "Sean Cameron" [REDACTED], "Carson Oliver" [REDACTED], "Ann Thai" [REDACTED], "Eric Gray" [REDACTED], "Joseph Magnani" [REDACTED], "Liz Pulchny" [REDACTED], "Raf Onak" [REDACTED], "Kunal Vij" [REDACTED], "Bri Cote" [REDACTED], "Monika Gromek" [REDACTED], "Meredith Thieme" [REDACTED], "Nate Barton" [REDACTED], "Timothy Kim" [REDACTED], "Joe Phillips" [REDACTED], "Geoff De Wilde" [REDACTED]  
**Attachment:** 2023.06.28 Wisconsin CLEAN - Team Commission - Privileged & Conf  
**Date:** Tue, 27 Jun 2023 03:38:52 +0000

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Attorney Work Product  
Privileged and Confidential  
Prepared at the request of Counsel

Matt,

In lieu of the Box link, here is a copy of the Wisconsin deck for review.

Thanks,  
Tanya

\*

> On Jun 26, 2023, at 8:20 PM, Tanya Washburn [REDACTED] wrote:  
>  
> Attorney Work Product  
> Privileged and Confidential  
> Prepared at the request of Counsel  
>  
> Matt,  
>  
> Here <<https://apple.box.com/s/kjbqr6dcdcw6c1tdzg2jdwhlfxed0djs>> is the updated clean Wisconsin deck for review and share with Phil and Eddy ahead of the Wisconsin meeting on Wed. 6/28.  
>  
> Let us know if any changes are needed.  
>  
> Thanks,

**PLAINTIFF**  
U.S. District Court - NDCAL  
**4:20-cv-05640-YGR-TSH**  
Epic Games, Inc. v Apple Inc.  
Ex. No. **CX-0505**  
Date Entered \_\_\_\_\_  
By \_\_\_\_\_

APL-EG\_10674709; APL-EG\_10677570

> Tanya  
>

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**Matt,**

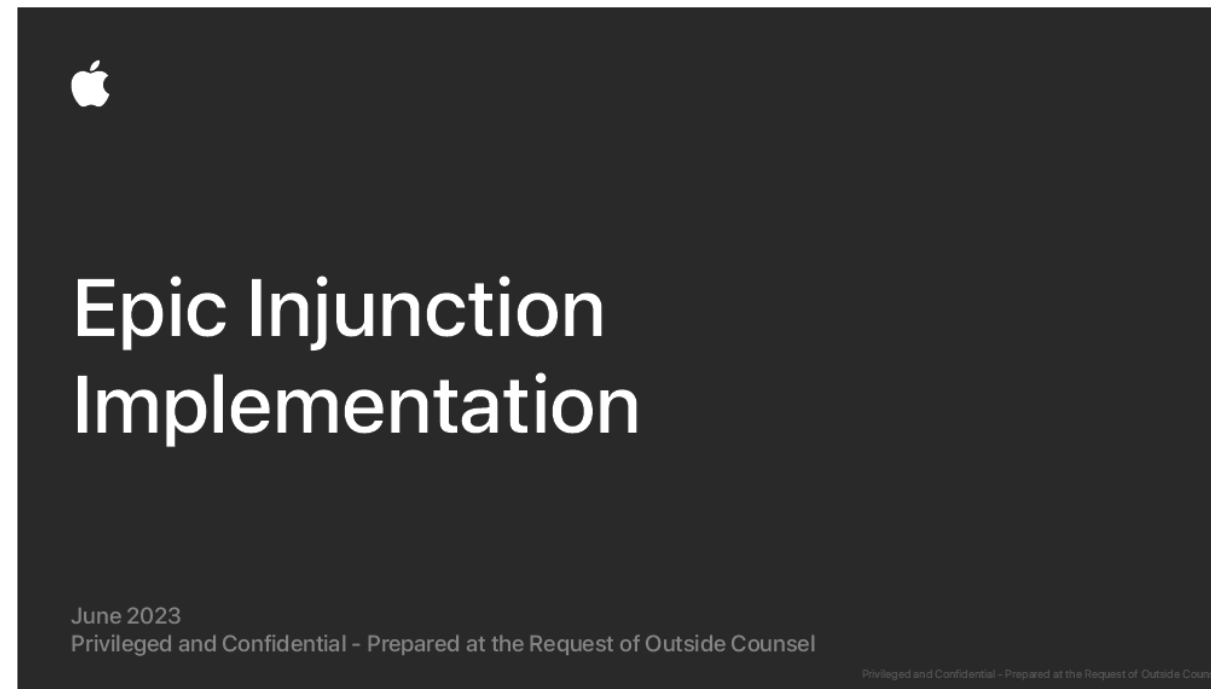
**[Here](#) is the updated clean Wisconsin deck for review and share with Phil and Eddy ahead of the Wisconsin meeting on Wed. 6/28.**

**Let us know if any changes are needed.**

**Thanks,**

**Tanya**

Control Number	APL-EG_10680710
Group Identifier	APL-EG_10680708
P/C	
FamilyStatus	
AllCustodians	Oliver, Carson
Email From	
Email To	
Email CC	
Email BCC	
DateSent	
TimeSent	
DateLastModified	
TimeLastModified	
DateCreated	
Email Subject	
Title	
Filename	2023.06.28 Wisconsin CLEAN - Team Commission - Privileged & Confidential.key
Application	
Confidentiality_Rcvd	HighlyConfidential
Production Vol.	APL-EG_078



[Jen]

## ATTORNEY-CLIENT PRIVILEGE AND WORK PRODUCT

[Jen] **ATTORNEY-CLIENT PRIVILEGE**

## ATTORNEY-CLIENT PRIVILEGE AND WORK PRODUCT

[Jen]  
**ATTORNEY-CLIENT PRIVILEGE**

## Agenda

System disclosure sheet

Collections risk management

Commission duration

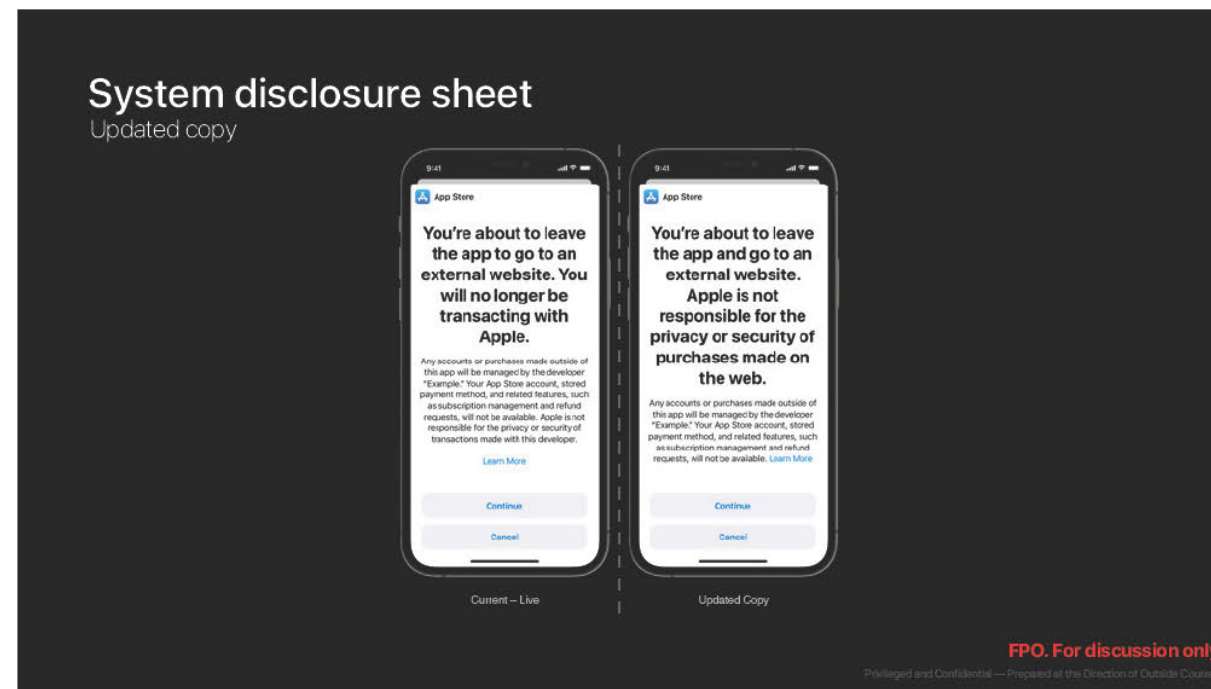
Programs

Commission rate

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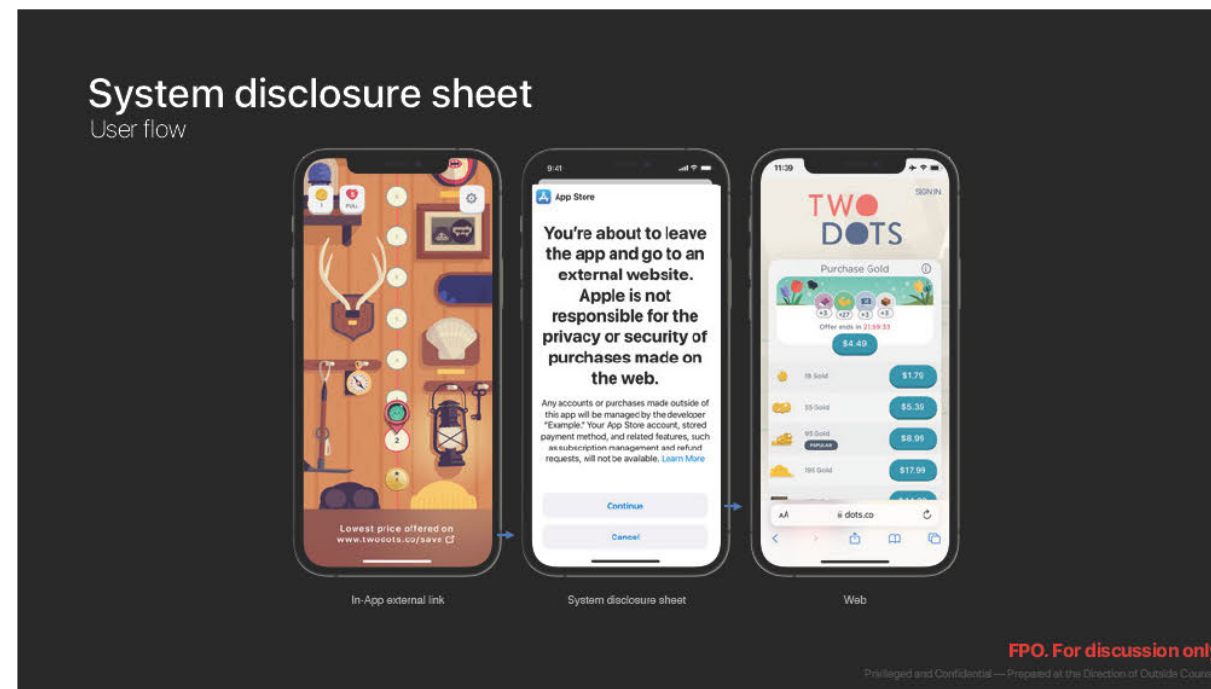
[Jen]





[Ann]

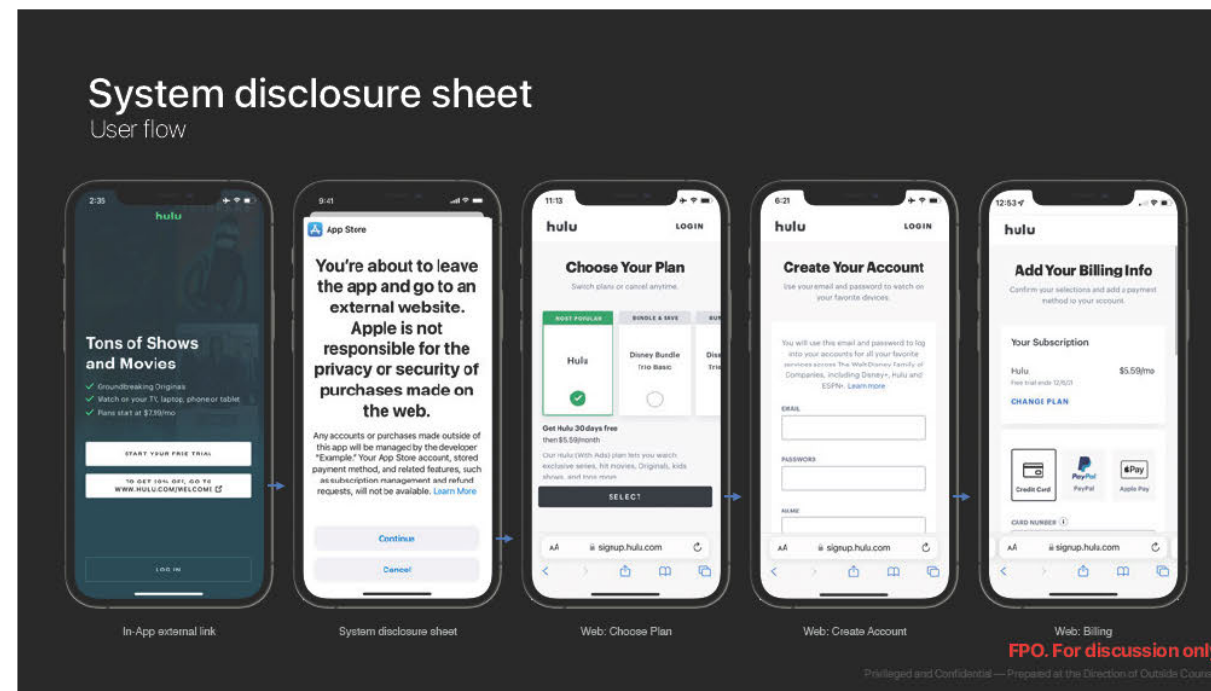
Tim, based on your feedback, here is the System disclosure sheet with the updated copy on the right.



[Ann]

Here's an example of the UI flow once a customer clicks on a link out button with the updated language.

It takes a customer to a system disclosure sheet letting them know they are leaving the app and going to the web.



[Ann]

And here's how it could look for account-based products and services.



[LING OR JEN]

Fee collections and developer escalations	
Timeline <i>(Days from end of month)</i>	Escalation Path
15 days	Developer must report out all applicable transactions to Apple in specified format / APIs
45 days	Payment due If no payment is made: <ul style="list-style-type: none"><li>Revoke link-out entitlement</li><li>Block app updates</li><li>Offset against developer IAP proceeds</li><li>Interest starts accruing on remaining balance</li></ul>
90 days	App removal from App Store Blocking distribution on Apple platforms
120 days	Termination from Developer Program Legal action for any balance remaining after offset

For discussion only

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[Timo]

## Approach to determining reasonableness of reports

### Timeline

*(Days from end of month)*

### Activity

#### 0 - 15 days

Developer must report out all applicable transactions to Apple in specified format / APIs

#### 15 - 35 days

Analytics performed to assess reasonableness of report, including:  
Completion rate  
Average prices  
Total volume  
Benchmarking against similar apps / developers

#### 35-90 days

Outreach to developers to resolve any identified anomalies

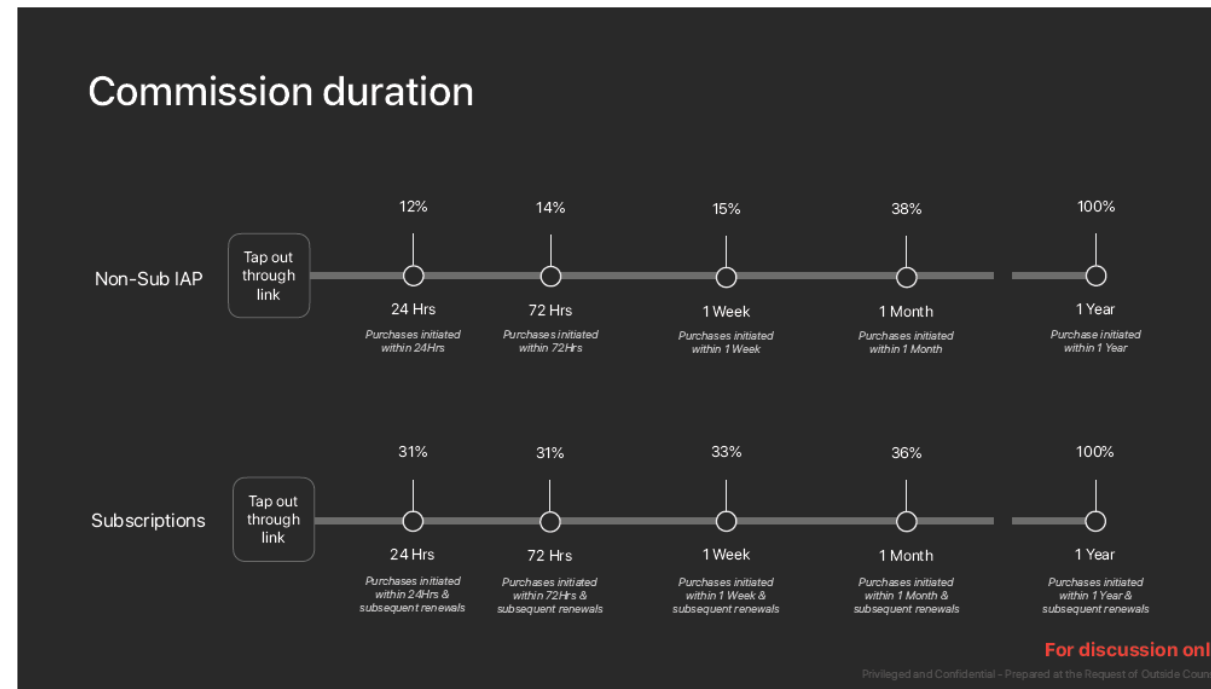
#### 90-180 days

If friendly conversations do not result in acceptable explanations, consider invoking audit rights

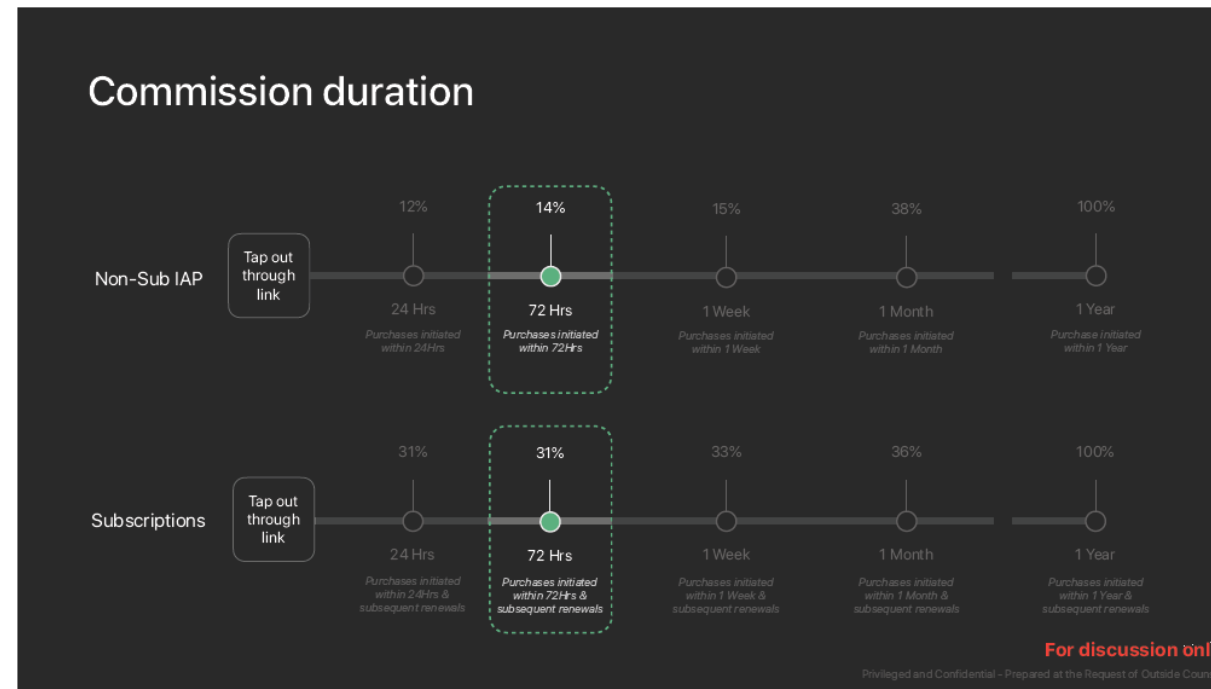
For discussion only

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[Timo]

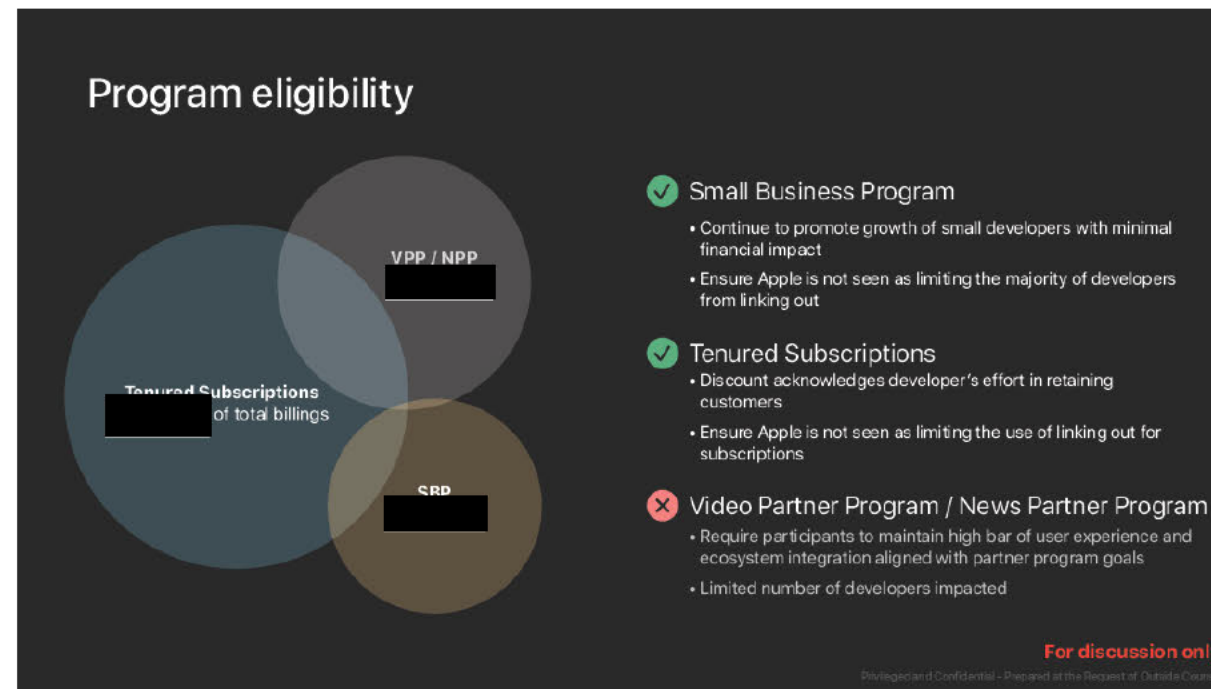


[Kunnal]

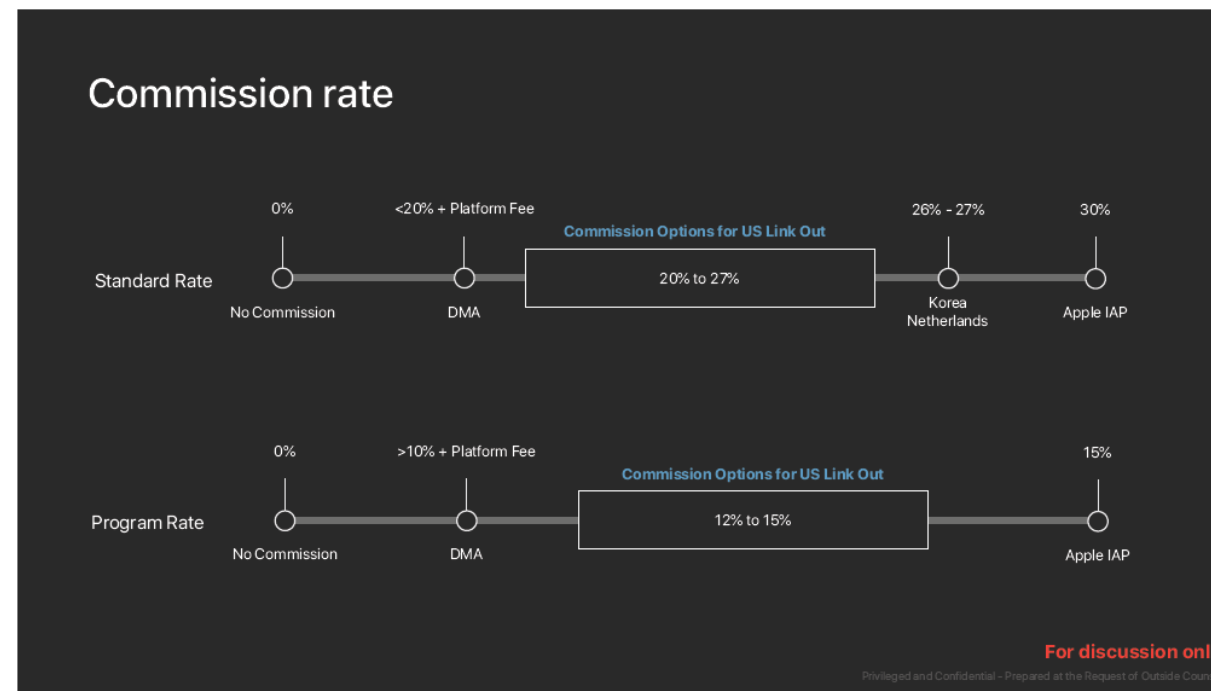


[Kunnal]

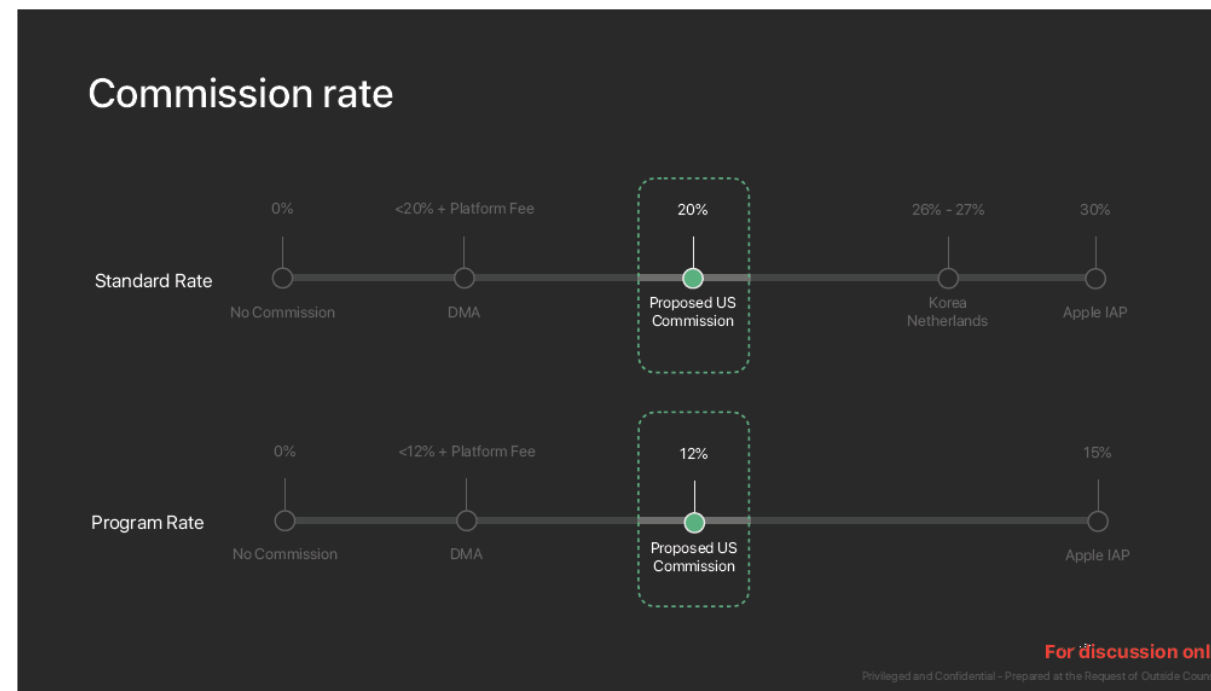




[Kunna]



[Kunnal]



[Kunnal]

## Epic injunction proposal

**20%** standard commission

**12%** program commission

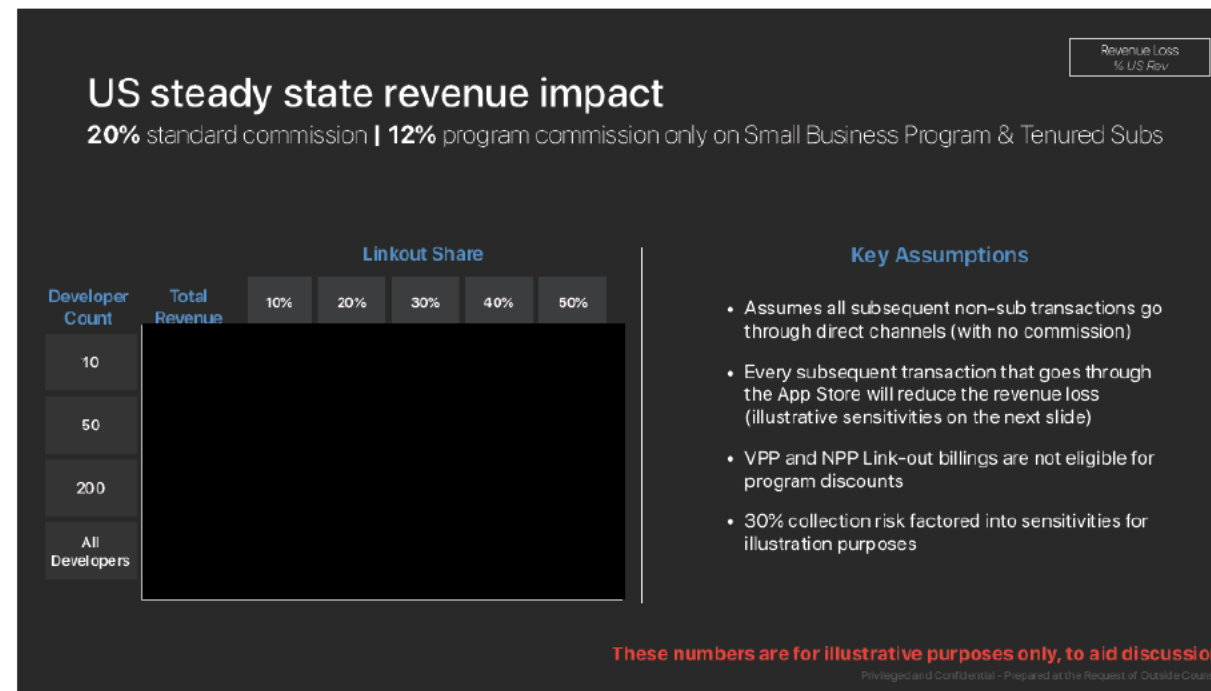
Program commission only on **Small Business Program & Tenured Subs**

Purchases initiated within **72 Hrs** Post Link Out (+ subscription renewals)

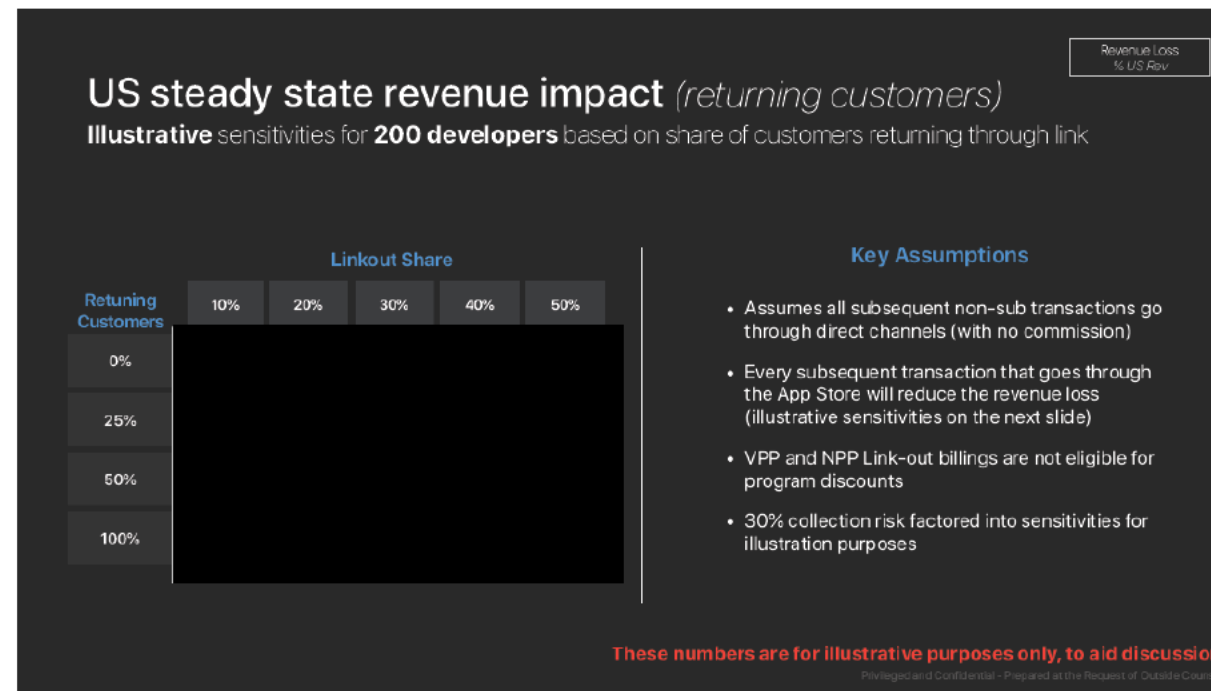
**These numbers are for illustrative purposes only, to aid discussion**

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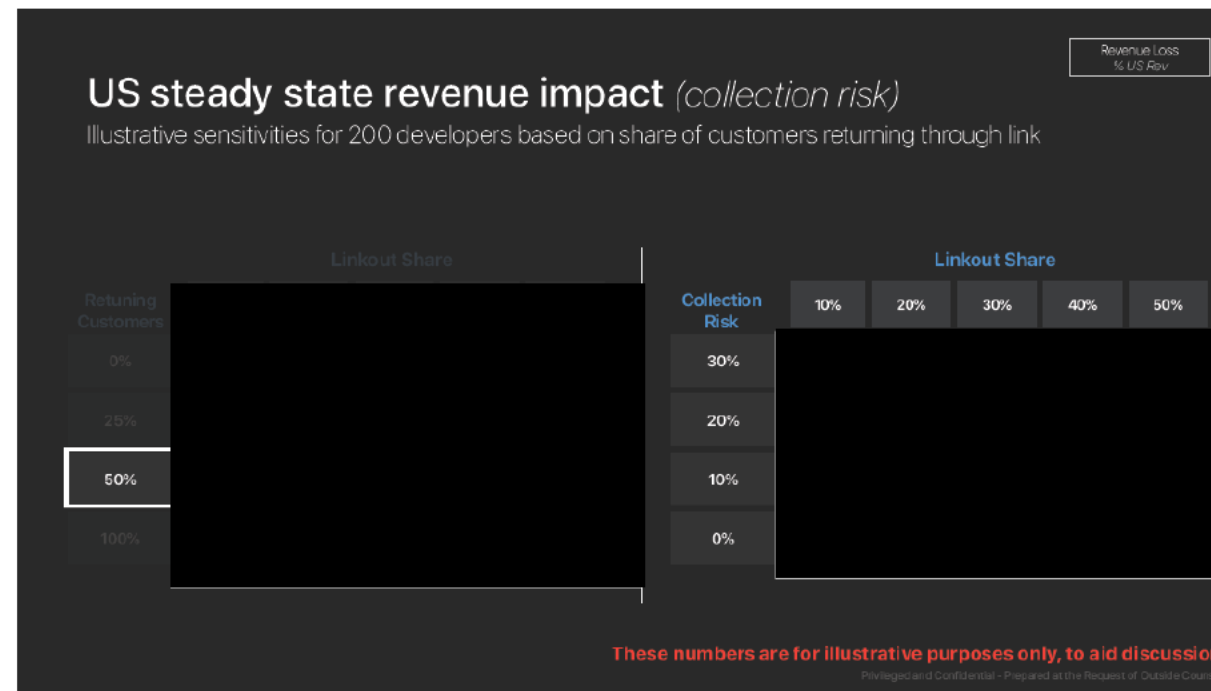
[Kunnal]



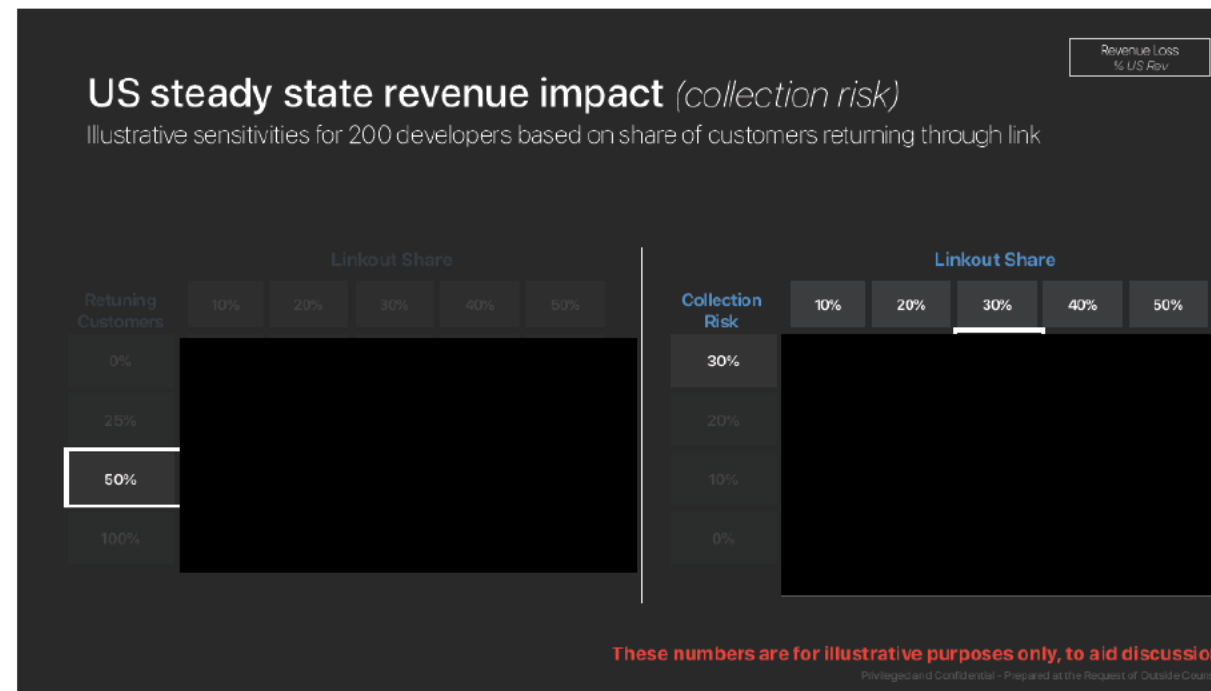
[Kunna]



[Kunna]

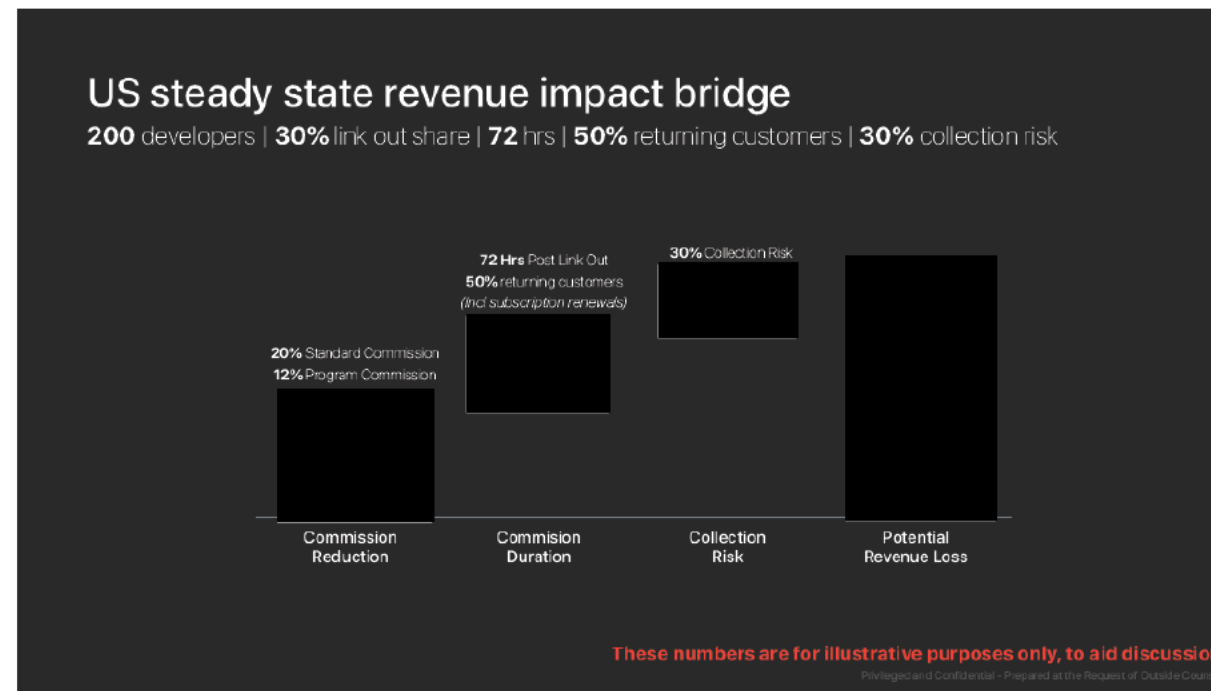


[Kunnal]

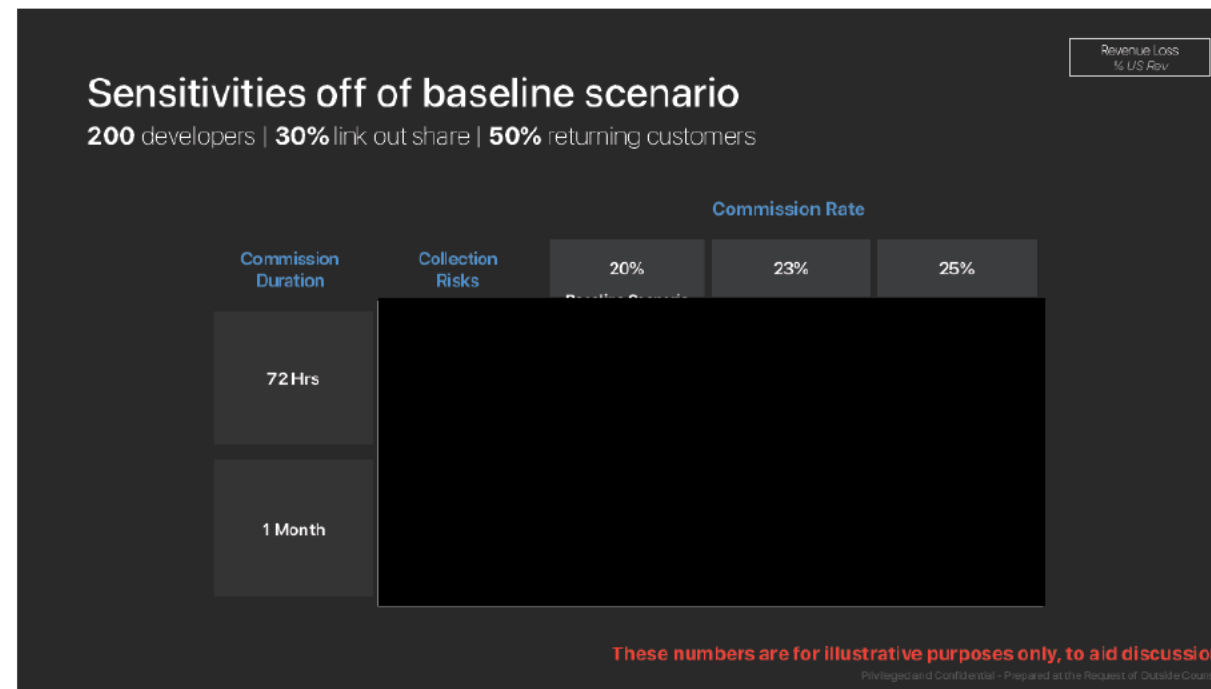


[Kunnal]

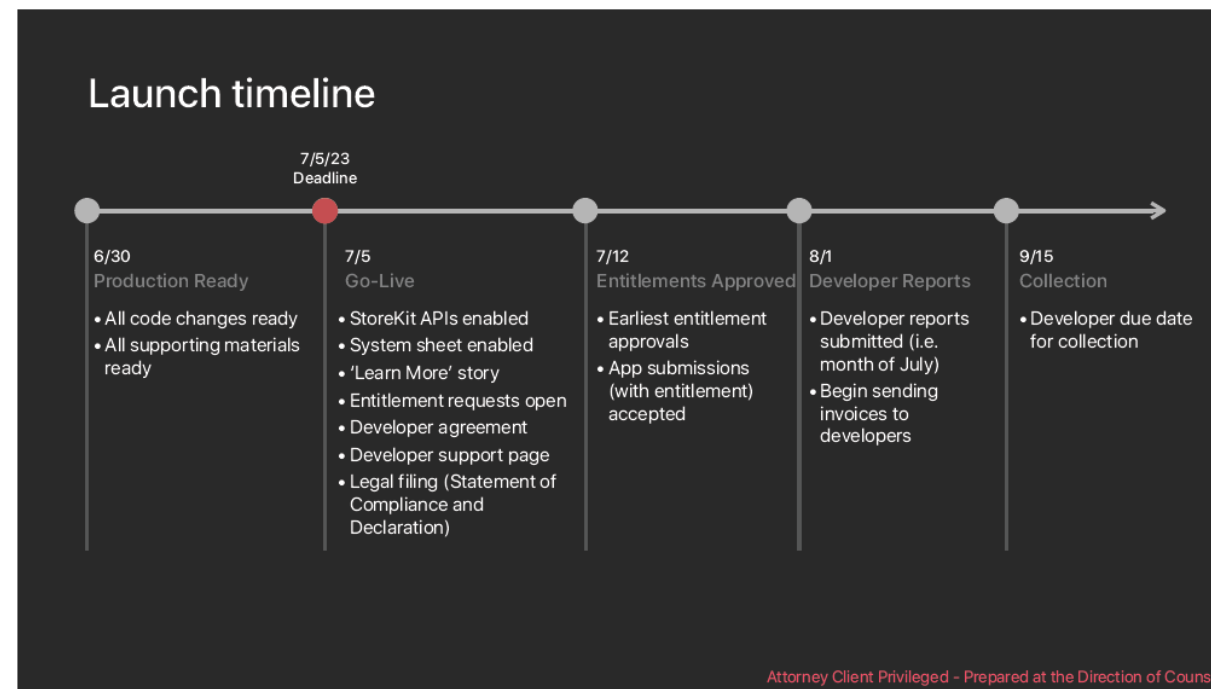




[Kunna]



[Kunna]



[TANYA]

This Friday 6/30 - all code changes and supporting materials will be ready

Go live on July 5 (9-10am):

- Engineering will enable StoreKit APIs and the system disclosure sheet
- Open up entitlement agreement, new Guidelines, developer support pages
- Legal is going to file the 'Statement of Compliance and Declaration'

7/12: About a week later is when the earliest entitlements will be approved, and we'll begin to accept app submissions with entitlements

- entitlements will be manually reviewed

8/1-8/15: We'll see Developer reports submitted, and we'll begin to send invoices to developers during this timeframe

[15 days to report after July]

9/15: is the due date for developers to pay us via electronic funds transfer

- Due date aligned with when we'll pay them for commission for Month of July
- Electronics funds transfer

